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14 Attorneys for Plaintiff,
15 Edward Wagner

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Edward Wagner,

19 Plaintiff,

20 vs.

21 Federal Bond and Collection Service, Inc.;
22 and DOES 1-10, inclusive,

23 Defendants.
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27
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Case No.:

COMPLAINT

JURY TRIAL DEMANDED

1 For this Complaint, the Plaintiff, Edward Wagner, by undersigned counsel,
2 states as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA") in their illegal efforts
7 to collect a consumer debt.
8

9 2. Original and supplemental jurisdiction exists pursuant to 28 U.S.C. §§ 1331,
10 1367.
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Edward Wagner (hereafter "Plaintiff"), is an adult individual
18 residing in Benson, Arizona, and is a "consumer" as the term is defined by 15 U.S.C.
19 § 1692a(3).
20

21 5. The Defendant, Federal Bond and Collection Service, Inc. (hereafter "FBCS"),
22 is a Pennsylvania company with an address of 2200 Byberry Road, Suite 120,
23 Hatboro, Pennsylvania 19040, operating as a collection agency, and is a "debt
24 collector" as the term is defined by 15 U.S.C. § 1692a(6).
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1 6. Does 1-10 (the “Collectors”) are individual collectors employed by FBCS and
2 whose identities are currently unknown to the Plaintiff. One or more of the Collectors
3 may be joined as parties once their identities are disclosed through discovery.
4

5 7. FBCS at all times acted by and through one or more of the Collectors.
6

7 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

8 **A. The Debt**

9 8. The Plaintiff allegedly incurred a financial obligation (the “Debt”) to an original
10 creditor (the “Creditor”).
11

12 9. The Debt arose from services provided by the Creditor which were primarily
13 for family, personal or household purposes and which meets the definition of a “debt”
14 under 15 U.S.C. § 1692a(5).
15

16 10. The Debt was purchased, assigned or transferred to FBCS for collection, or
17 FBCS was employed by the Creditor to collect the alleged Debt.
18

19 11. The Defendants attempted to collect the alleged Debt and, as such, engaged in
20 “communications” as defined in 15 U.S.C. § 1692a(2).
21

22 **B. FBCS Engages in Harassment and Abusive Tactics**

23 12. Beginning in or around March 2012, FBCS started contacting Plaintiff in an
24 attempt to collect the Debt.
25

26 13. FBCS placed four calls per week to Plaintiff’s cellular phone.
27
28

1 14. On each call placed to Plaintiff, FBCS failed to state the name of its company,
2 despite the fact that Plaintiff identified himself.

3
4 15. On numerous occasions, Plaintiff requested that FBCS provide him with written
5 validation of the Debt.

6 16. Plaintiff, however, has yet to receive written validation of the Debt.

7
8 17. Plaintiff also repeatedly requested that FBCS communicate with him only in
9 writing regarding the Debt.

10
11 18. Despite such requests, FBCS continued to place calls to Plaintiff in its attempts
12 to collect the Debt.

13 19. During a conversation on September 10, 2012, a representative from FBCS
14 yelled at Plaintiff; stated that they didn't care about any federal laws; and said that
15 FBCS would call Plaintiff whenever it desired until the Debt was satisfied.

16
17 20. FBCS's calls were extremely harassing to Plaintiff and caused him a great deal
18 of aggravation.

19
20 **C. Plaintiff Suffered Actual Damages**

21
22 21. The Plaintiff has suffered and continues to suffer actual damages as a result of
23 the Defendants' unlawful conduct.

24 22. As a direct consequence of the Defendants' acts, practices and conduct, the
25 Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional
26 distress, fear, frustration and embarrassment.
27
28

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, et seq.

23. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

24. The Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

25. The Defendants caused a phone to ring repeatedly and engaged the Plaintiff in telephone conversations, with the intent to annoy and harass, in violation of 15 U.S.C. § 1692d(5).

26. The Defendants placed calls to the Plaintiff without disclosing the identity of the debt collection agency, in violation of 15 U.S.C. § 1692d(6).

27. The Defendants used false, deceptive, or misleading representation or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

28. The Defendants used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

29. The Defendants failed to send Plaintiff an initial letter within five days of its initial contact with Plaintiff as required by law, in violation of 15 U.S.C. § 1692g(a).

30. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

31. The Plaintiff is entitled to damages as a result of the Defendants' violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the

Defendants:

A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the

Defendants;

B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C.

§1692k(a)(2)(A) against the Defendants;

C. Costs of litigation and reasonable attorneys' fees pursuant to

15 U.S.C. § 1692k(a)(3) against the Defendants;

D. Actual damages from the Defendants for all damages including
emotional distress suffered as a result of the intentional, reckless, and/or
negligent FDCPA violations in an amount to be determined at trial; and

E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

1 DATED: November 1, 2012

LEMBERG & ASSOCIATES, LLC

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3
4 By: /s/ Trinette G. Kent
5 Trinette G. Kent

6 Attorney for Plaintiff
7 Edward Wagner
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